

REMARKS

Claims 1-8 are currently pending. Claim 1 has been amended. Support for this amendment can be found on page 11, line 8 – page 12, line 12 of the specification and Figures 2 and 3. No new matter has been added by way of this amendment. Applicant respectfully requests reconsideration of the application in view of the above amendment and following remarks.

CLAIM REJECTIONS - 35 U.S.C. § 103

1. Claims 1, 2 and 4-6 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yokochi et al. (of record) in view of Bergsma (U.S. Patent No. 4,960,153). Applicant respectfully traverses this rejection and respectfully submits that claims 1, 2, and 4-6 are patentably distinct from the cited references, taken either alone or in combination.

Amended independent claim 1 recites, *inter alia*,

A resin tank comprising: a tank body for reserving a liquid, the tank body being made of resin, the tank body having at least a circular hole formed by a stepped portion that connects with an inside of the tank body, the stepped portion having the same thickness as the tank body; a pipe sealing member having a flange which is integrally contacted with the stepped portion . . .

According to the Office Action, “Bergsma discloses a tank with a circular hole formed by a stepped down portion having the same thickness as the tank body (34, 36, 38, Figures 3 and 5, col. 3, ll. 30-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a circular hole formed by a stepped down

portion having the same thickness as the tank body as disclosed by Bergsma in the tank disclosed by Yokocho et al to seat the pipe sealing member and protect the sealing area by recessing it below the top surface of the tank.” (See Office Action, pp. 3-4).

Bergsma is directed to a “high pressure vapor vent valve for automotive fuel tanks [] provided with bayonet-insertion, turn-to-lock locking structure mating with an opening in the fuel tank [and an] O-ring mounted on the valve body [which] provides a fluid-tight radial compression seal between the valve body and the fuel tank wall to prevent leakage of fuel. (Bergsma, abstract). The Office Action does not allege that Bergsma discloses “[a] resin tank comprising: a tank body ... having at least a circular hole formed by a stepped portion that connects with an inside of the tank body, the stepped portion having the same thickness as the tank body; [and] a pipe sealing member having a flange which is integrally contacted with the stepped portion,” as recited in Applicant’s claim 1.

Applicant has reviewed Bergsma and respectfully submits that the reference does not teach, disclose or suggest “[a] resin tank comprising: a tank body ... having at least a circular hole formed by a stepped portion that connects with an inside of the tank body, the stepped portion having the same thickness as the tank body; [and] a pipe sealing member having a flange which is integrally contacted with the stepped portion,” as recited in Applicant’s claim 1. Instead, Bergsma teaches “[a] resilient O-ring 30 is removably seated in an annular seat 28 formed in the valve body between body portion 14 and shoulder 16 in a snug friction-fit.” (col. 3, ll. 18-20). Thus, Bergsma requires the use of an O-ring to obtain a “snug friction-fit” between the shoulder 16 and the interior annular vertical wall 36. Therefore, Applicant submits that Bergsma fails to remedy the deficiencies of Yokocho et al.

Thus, Applicant submits that amended independent claim 1 is patentably distinct from Yokocho et al. alone or in combination with Bergsma. Accordingly, Applicant believes that claims 2 and 4-6, which depend directly or indirectly from amended independent claim 1, also define patentable subject matter. Applicant, therefore, respectfully requests this ground of rejection be withdrawn.

2. Claims 1, 2 and 4-6 have been rejected, in the alternative, under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yokocho et al. in view of Bergsma and Bull et al. (U.S. Patent No. 2,897,533). Applicant respectfully traverses this rejection and respectfully submits that claims 1, 2, and 4-6 are patentably distinct from the cited references, taken either alone or in combination.

The Office Action alleges that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a circular hole formed by a stepped down portion having the same thickness as the tank body as disclosed by Bergsma in the tank disclosed by Yokocho et al,” and further “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a pipe sealing member . . . as disclosed by Bull et al. in the tank disclosed by Yokocho et al.” (See Office Action, page 4).

As described above, Applicant submits that amended independent claim 1 is patentably distinct from cited references, taken either alone or in combination. Specifically, Bergsma fails to teach, suggest or disclose “a pipe sealing member having a flange which is integrally contacted with the stepped portion,” as recited in Applicant’s amended claim 1. Therefore, Applicant respectfully requests this ground of rejection be withdrawn. Further,

Applicant believes that claims 2 and 4-6, which depend directly or indirectly from amended independent claim 1, also define patentable subject matter.

3. Claims 1-6 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fish et al. (of record) in view of Bergsma and Bull et al.

Similar to above, the Office Action alleges “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a circular hole formed by a stepped down portion having the same thickness as the tank body as disclosed by Bergsma in the tank disclosed by Fish,” and further “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a pipe sealing member . . . as disclosed by Bull et al. in the tank disclosed by Fish.” (See Office Action, pp. 5-6).

Again, the Office Action does not allege that either Fish et al. in view of Bergsma or Bull et al. disclose “a pipe sealing member having a flange which is integrally contacted with the stepped portion,” as recited in Applicant’s claim 1. Applicant has reviewed the references and again respectfully submits that these references do not teach, disclose or suggest “a pipe sealing member having a flange which is integrally contacted with the stepped portion,” as recited in Applicant’s amended claim 1.

Thus, Applicant submits that amended independent claim 1 is patentably distinct from Fish et al. alone or in combination with Bergsma and/or Bull et al. Accordingly, Applicant believes that claims 2-6, which depend directly or indirectly from amended independent claim 1, also define patentable subject matter. Applicant, therefore, respectfully requests this ground of rejection be withdrawn.

4. Claim 7 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yokocho et al. as modified by Bergsma, or Yokocho et al. as modified by Bergsma and Bull et al., or Fish as modified by Bergsma and Bull et al., in view of Clevenger et al. (U.S. Patent Application 2002/0158073 A1). Applicant respectfully traverses this rejection and respectfully submits that the claims as properly understood by those skilled in the art are patentably distinct from the cited references.

For at least similar reasons stated above, Applicant submits that Clevenger et al. does not render unpatentable the claimed subject matter. Namely, Clevenger et al. does not remedy the deficiency of Yokocho et al. as modified by Bergsma and/or Bull et al. and/or Fish et al. as modified by Bergsma, in that Clevenger et al. does not does not disclose, teach or suggest “a pipe sealing member having a flange which is integrally contacted with the stepped portion,” as recited in amended independent claim 1.

Because claim 7 is directly dependent on amended independent claim 1, Applicant respectfully submits that the claimed subject matter is patentably distinct from the cited references, taken alone or in combination. Accordingly, withdrawal of the rejection applied to claim 7 under 35 U.S.C. § 103(a), as being unpatentable over Yokocho et al. as modified by Bergsma, or Yokocho et al. as modified by Bergsma and Bull et al., or Fish as modified by Bergsma and Bull et al., in view of Clevenger et al. is respectfully requested.

5. Claim 8 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yokocho et al. as modified by Bergsma or Yokocho et al. as modified by Bergsma and Bull et al. (or Fish et al. as modified by Bergsma and Bull et al.) in view of the prior art cited by Applicant. Applicant respectfully traverses this rejection and respectfully

submits that the claims as properly understood by those skilled in the art are patentably distinct from the cited references.

Applicant submits that the prior art cited by Applicant does not render unpatentable the claimed subject matter. Namely, the prior art cited by Applicant, does not remedy the deficiency of Yokocho et al. as modified by Bergsma and/or Bull et al. and/or Fish et al. as modified by Bergsma, in that the prior art does not does not disclose, teach or suggest “a pipe sealing member having a flange which is integrally contacted with the stepped portion,” as recited in Applicant’s claim 1.

Because claim 8 is directly dependent on amended independent claim 1, Applicant respectfully submits that the claimed subject matter is patentably distinct from the cited references, taken alone or in combination. Accordingly, withdrawal of the rejection applied to claim 8 under 35 U.S.C. § 103(a), as being unpatentable over Yokocho et al. as modified by Bergsma or Yokocho et al. as modified by Bergsma and Bull et al. and/or Fish et al. as modified by Bergsma and Bull et al. in view of the prior art cited by Applicant is respectfully requested.

Serial No. 10/759,843
Response Dated December 8, 2006
Reply to Office Action of October 13, 2006

Docket No. 5095-4082

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

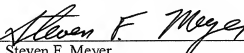
AUTHORIZATION

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 5095-4082. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: December 8, 2006

By:


Steven F. Meyer
Registration No. 35,613

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile